IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO. 10527 of 2000

Between:

S.Ramesh Chand S/o.Late Madanlal,
Prop: Sri Krishna Service Station, IBP, Retail out-let, in MS & HSD,
Ramachandrapuram Town and Mandal, R/o.1-2-217/4, Domalguda, Hyderabad.

..... PETITIONER

AND

The Inspector of Police (Vigilance), Civil Supplies Department,
Medak District at Sangareddy.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of Writ of Mandmus declaring the action of the respondent conducting panchanama in Crime NO:29/VCM/2000 dated:15-3-2000 same as null and void.

Counsel for the Petitioner : MR.V.H.V.R.R.SWAMY

Counsel for the Respondent : GP FOR CIVIL SUPPLIES

The Court made the following :

O R D E R :

The petitioner is the proprietor of M/s. Sri Krishna Service Station, which is a IBP Retail Outlet. The respondent inspected the petitioner's business premises on 15-3-2000 and on an allegation that the petitioner's Petroleum Outlet contravened the provisions of Clause 3 (vi) & 5 of Motor Spirit & High Speed Diesel (Regulation of Supply and Distribution and Prevention of Malpractices) Order, 1998 (for brevity 'the Control Order') read with Sections 7 and 8 of the Essential Commodities Act, 1955 (for brevity 'the Act'), registered the F.I.R. being FIR No.29/VCM/2000, dated 15-3-2000. In this writ petition, the petitioner assails the said F.I.R. and placing reliance on the decision of the Supreme Court in **State of Haryana v. Bhajan Lal** seeks quashing of the F.I.R.

It is now well settled that on mere registration of a cognizable crime, the F.I.R. cannot be quashed unless the F.I.R. does not by itself discloses the commission of offence. A reading of the F.I.R. registered by the respondent would show that during inspection gross variations in the stock were noticed, which were not properly explained. Therefore, the offence under Clause 3 (vi) and 5 of the Control Order read with Section 7 and 8 of the Act are attracted. Be it noted, the offence under the Essential Commodities Act is a cognizable offence and unless and until the investigation is completed and final report is filed by the respondent, the truth will not come out.

The writ petition is misconceived and accordingly dismissed. No costs.

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(V.V.S. RAO, J.)

07-06-2005.

Msr.

To

1. The Inspector of Police(Vigilance), Civil Supplies Department,
Medak District at Sangareddy.

2. 2 CCs to Government Pleader for Civil Supplies,

High Court Buildings, Hyderabad.

2. 2 CD copies.

HON'BLE SRI JUSTICE V.V.S. RAO

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(Msr)